

## REMARKS

Applicant has amended claims 38, 44, 46, 48, 50, and 53, and have cancelled claims 1-37, 44-45, 47, 49, 51-52, and 54-57, during prosecution of this patent application. Applicant is not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner objected to claims 41-42 and 48-49 as being dependent upon an alleged rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner rejected claims 38-40, 43-44, 50, 52 and 55 under 35 U.S.C. § 102(a) as allegedly being anticipated by Gujar et al. (US Patent 6,446,208) (hereinafter Gujar).

The Examiner rejected claim 53 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of Nerlikar (US Patent 5,629,981).

The Examiner rejected claim 45 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of Laval (US Patent No. 6,173,209) (hereinafter Laval) and further in view of Ott (US Pre-Grant Publication No. 2003/0052539).

The Examiner rejected claim 46 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of Freund (US Pre-Grant Publication No. 2003/0187787).

The Examiner rejected claim 47 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of Freund, and further in view of OFFICIAL NOTICE.

The Examiner rejected claim 51 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of OFFICIAL NOTICE.

The Examiner rejected claim 54 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of Erca (US Pre-Grant Publication No. 2003/0158785), and further in view of Rau et al. (US Pre-Grant Publication No.2003/0126017) (hereinafter Rau).

Applicant respectfully traverses the § 102 and § 103 rejections with the following arguments.

**35 U.S.C. § 102(a): Claims 38-40, 43-44, 50, 52 and 55**

The Examiner rejected claims 38-40, 43-44, 50, 52 and 55 under 35 U.S.C. § 102(a) as allegedly being anticipated by Gujar et al. (US Patent 6,446,208) (hereinafter Gujar).

Since claims 44, 52, and 55 have been cancelled, the rejection of claims 44, 52, and 55 under 35 U.S.C. § 102(a) is moot.

Applicant respectfully contends that Gujar does not anticipate claim 38, because Gujar does not teach each and every feature of claim 38.

As a first example of why Gujar does not anticipate claim 38 is that Gujar does not teach the feature: “scanning a user to read N Radio Frequency Identification (RFID) tags respectively embedded in N objects being carried by the user, each tag of the N tags comprising a tag identifier of said each tag, *said N being at least 2*; comparing the N tags read by the RFID reader with M tags in a registered record of data, said registered record comprising a reference to the user, each tag of the M tags comprising a tag identifier, said M being at least N; and permitting access by the user to a resource if said comparing has determined that the tag identifiers in the M tags comprise the tag identifiers in the N tags” (emphasis added).

The Examiner argues that Gujar teaches the preceding feature of claim 38 in Gujar, col. 1, lines 8-9; col. 2, lines 30-32 and 60-65; col. 3, lines 26-28; col. 9, lines 54-56; and col. 10, lines 18-28.

In response, Applicants assert that the preceding feature of claim 38 permits access to a resource (i.e., the same resource) if the tag identifiers in the N tags respectively embedded in N

objects carried by the user are matched to tag identifiers within the M tags in the registered record, wherein N is at least 2, which Gujar does not teach.

For example if N=2, access to a resource (i.e., a same resource) would require a first tag identifier in a first tag embedded in a first object and a second tag identifier in a second tag embedded in a second object to be matched to tag identifiers within the M tags in the registered record, which Gujar does not teach.

Gujar teaches associating each tag identifier with a particular service or resource, as stated in Gujar, col. 3, lines 26-30 ("each identification number or sensed data value that is read (sensed) by the tag reader can be labeled as a "senseme", with a particular digital service or attribute being associated with each senseme"). Gujar does not anywhere teach that different tag identifiers within different objects are associated with a same service or resource that is permitted to be accessed if the different tag identifiers are matched to tag identifiers within the M tags in the registered record.

Therefore, Gujar does not teach the preceding feature of claim 38.

As a second example of why Gujar does not anticipate claim 38 is that Gujar does not teach the feature: "comparing the N tags read by the RFID reader with M tags in a registered record of data, *said registered record comprising a reference to the user*" (emphasis added).

The Examiner argues that Gujar, col. 2, lines 60-65 teaches the preceding feature of claim 38.

In response, Applicants note that Gujar, col. 2, lines 60-65 recites: "Upon receipt of the identification number, a computer based application program interprets the identification input

string, determines the current application context, and provides appropriate digital services. For example, an ASCII database that maps identification numbers to one or more digital services can be used.”

Applicants assert that the preceding quote from Gujar, col. 2, lines 60-65 does not teach anything about the user, and most certainly does not teach that the registered record comprises a reference to the user.

Therefore, Gujar does not teach the preceding feature of claim 38.

Based on the preceding arguments, Applicant respectfully maintains that Gujar does not anticipate claim 38, and that claim 38 is in condition for allowance. Since claims 39-40, 43, and 50 depend from claim 38, Applicant contends that claims 39-40, 43, and 50 are likewise in condition for allowance.

In addition with respect to claim 39, Gujar does not teach the feature: “wherein  $M = N$ ”.

The Examiner argues: “As per claim 39, Gujar teaches the method of claim 38, as applied above. Additionally, Gujar teaches the method, wherein  $M = N$  (column 3, lines 58-65, the first and second sensemes (and any subsequent sensemes) together form a sentence that can be interpreted as a command to implement a computer controlled action; column 3, lines 65-67, for example, the sentence "establish authorization, open a file, and print the file to printer number 3" would involve reading three tags corresponding to the individual service/attribute – ‘establish authorization’, ‘open a file’, and ‘print the file’ - which comprise the sentence)”.

In response, Applicants respectfully contend that the tags discussed in Gujar, col. 3, lines 58-67 pertain to the N tags embedded in the N objects and not to the M tags in the registered record. Therefore, the Examiner's citation to Gujar, col. 3, lines 58-67 is not relevant to the preceding feature of claim 39.

Therefore, Gujar does not teach the preceding feature of claim 39.

In addition with respect to claim 40, Gujar does not teach the feature: "wherein M exceeds N".

The Examiner argues: "As per claim 40, Gujar teaches the method of claim 38, as applied above. Additionally, Gujar teaches the method, wherein M exceeds N (*"M exceeds N in the case where M comprises various actions, and not presenting a particular tag associated with an action will simply result in not performing that particular action; in the example sentence "establish authorization, open a file, and print the file to printer number 3 ", M corresponds to three tags, and a user could present just two tags corresponding to the actions of establishing authorization and opening a file"*).

In response, Applicants respectfully contend that the tags discussed in Gujar, col. 3, lines 58-67 pertain to the N tags embedded in the N objects and not to the M tags in the registered record. Therefore, the Examiner's citation to Gujar, col. 3, lines 58-67 is not relevant to the preceding feature of claim 40.

Therefore, Gujar does not teach the preceding feature of claim 40.

In addition with respect to claim 43, Gujar does not teach the feature: “wherein after said scanning the method further comprises sorting the tag identifiers in the N tags”.

The Examiner argues that Gujar, col. 3, lines 35-41 teaches the preceding feature of claim 43.

In response, Applicants note that Gujar, col. 3, lines 32-41 recites: “the present invention further extends the flexibility of the senseme based user interface by supporting computer control based on a multiple senseme input, with temporally synchronous (or overlapping asynchronous) tuples of one or more sensemes (e.g. particular identification numbers and sensed states) being read by the tag reader. Single and multiple sensemes can in turn be extended by participation in a “sentence”.”

The preceding quote from Gujar, col. 3, lines 32-41 does not teach anything about sorting, and most certainly does not teach sorting the tag identifiers in the N tags.

Therefore, Gujar does not teach the preceding feature of claim 43.

In addition with respect to claim 50, Gujar does not teach the feature: “wherein a tag identifier in a first tag of the N tags includes an indication of a type of the object in which the first tag is embedded”.

The Examiner argues: “As per claim 50, Gujar teaches the method of claim 44, as applied above. Additionally, Gujar teaches the method, wherein a tag identifier in a first tag of the N tags includes an indication of a type of the object in which the first tag is embedded (*column 1, lines 52-58, an electronic tag attached to a physical document allows a user to access some associated virtual representation of the document*).”

In response, Applicants respectfully contend that a teaching of an electronic tag attached to a physical document is not a teaching of “a tag identifier in a first tag of the N tags includes an indication of a type of the object in which the first tag is embedded”.

Therefore, Gujar does not teach the preceding feature of claim 50.



**35 U.S.C. § 103(a): Claim 53**

The Examiner rejected claim 53 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of Nerlikar (US Patent 5,629,981).

Since claim 53 depends from claim 38, which Applicant has argued *supra* to not be anticipated by Gujar under 35 U.S.C. §102(a), Applicants maintain that claim 53 is likewise not unpatentable over Gujar in view of Nerlikar under 35 U.S.C. §103(a).

**35 U.S.C. § 103(a): Claim 45**

The Examiner rejected claim 45 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of Laval (US Patent No. 6,173,209) (hereinafter Laval) and further in view of Ott (US Pre-Grant Publication No. 2003/0052539).

Since claim 45 has been cancelled, the rejection of claim 45 under 35 U.S.C. § 103(a) is moot.

**35 U.S.C. § 103(a): Claim 46**

The Examiner rejected claim 46 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of Freund (US Pre-Grant Publication No. 2003/0187787).

Since claim 46 depends from claim 38, which Applicant has argued *supra* to not be anticipated by Gujar under 35 U.S.C. §102(a), Applicants maintain that claim 46 is likewise not unpatentable over Gujar in view of Freund under 35 U.S.C. §103(a).

**35 U.S.C. § 103(a): Claim 47**

The Examiner rejected claim 47 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of Freund, and further in view of OFFICIAL NOTICE.

Since claim 47 has been cancelled, the rejection of claim 47 under 35 U.S.C. § 103(a) is moot.

**35 U.S.C. § 103(a): Claim 51**

The Examiner rejected claim 51 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of OFFICIAL NOTICE.

Since claim 51 has been cancelled, the rejection of claim 51 under 35 U.S.C. § 103(a) is moot.

**35 U.S.C. § 103(a): Claim 54**

The Examiner rejected claim 54 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gujar, in view of Erca (US Pre-Grant Publication No. 2003/0158785), and further in view of Rau et al. (US Pre-Grant Publication No.2003/0126017) (hereinafter Rau).

Since claim 54 has been cancelled, the rejection of claim 54 under 35 U.S.C. § 103(a) is moot.

### CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

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